



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,277	06/21/2003	Michael D. Slawinski	PS-02 CIP2	6355
24985	7590	11/03/2004	EXAMINER	
KENNETH S WATKINS JR 372 RIVER DR DAHLONEGA, GA 30533			HWANG, VICTOR KENNY	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,277

Applicant(s)

SLAWINSKI, MICHAEL D.

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 11, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030621.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "199B1" and "199B2" have been used to designate both cable loops and seats (Fig. 6). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1629" and "1205A" have both been used to designate a crimp connector. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant

will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because in Fig. 13, the upper occurrence of "1217A" presumably should be changed to --1217A1--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
page 19, line 12, "bock" presumably should be changed to -block--;

page 20, line 1, "bock" presumably should be changed to --block--;

page 20, lines 8-9, each occurrence of "121A" presumably should be reconsidered;

page 23, line 14, "309" presumably should be changed to --308--;

page 29, line 22, "101" presumably should be changed to --2001--;

page 30, line 5, "2017" presumably should be changed to --1217--;

page 31, line 15, --2045-- presumably should be inserted after "bottom surface"; and

page 31, line 18, "2208" presumably should be changed to --2205.

Appropriate correction is required.

Claim Objections

5. Claims 4 and 11 are objected to because of the following informalities:

in claim 4, the recitation "a bearing engaging said disengagement element to define an engaged position of said second weight engagement assembly" is not exactly clear and presumably refers to any sort of bearing for the disengagement element to permit it to define an engaged position...; and

in claim 11, the recitation an end of said weight engagement assembly presumably should refer to an en of the frame portion. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by *Dawson, Jr.* (US Pat. 5,273,506). *Dawson, Jr.* discloses a self-spotting apparatus for free-weights comprising a frame 32 and an elongated weight support assembly 24,26 attached to the frame. A first weight engagement assembly 34,36 is operably attachable to free-weights 82 and is translatable along the elongated weight support assembly towards a first end (towards base 30) when the free-weights are lowered due to gravity and comprises a first engagement element 54,56 selectively engageable with the elongated weight support assembly to prevent translation along the elongated weight support assembly towards the first end.

A second weight engagement assembly 33,35 is translatable along the elongated weight support assembly and disposed on the weight support assembly between the first weight engagement assembly and the first end and comprises a second engagement element 37 selectively engageable to the elongated weight support assembly to prevent translation of the first weight engagement assembly towards the first end. The elongated weight support assembly is a column comprising a plurality of holes 42 and the second engagement assembly is a pin 37 engageable on one of the plurality of holes. The second weight engagement assembly comprises a frame comprising a rectangular cross section and a sliding clearance with the column.

8. Claims 1, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by *Leflar* (US Pat. 3,235,255). *Leflar* discloses a self-spotting apparatus for free-weights comprising a frame *F* and an elongated weight support assembly 11 attached to the frame. A first weight

engagement assembly *C* is operably attachable to free-weights *W* and is translatable along the elongated weight support assembly towards a first end (towards platform *P*) when the free-weights are lowered due to gravity and comprises a first engagement element 87 selectively engageable with the elongated weight support assembly to prevent translation along the elongated weight support assembly towards the first end.

A second weight engagement assembly *S* is translatable along the elongated weight support assembly and disposed on the weight support assembly between the first weight engagement assembly and the first end and comprises a second engagement element 79 selectively engageable to the elongated weight support assembly to prevent translation of the first weight engagement assembly towards the first end. The elongated weight support assembly is a column comprising a plurality of holes 81 and the second engagement assembly is a pin 79 engageable on one of the plurality of holes. The second weight engagement assembly comprises a hand grip 85 fixed to the second weight engagement assembly and extending outward from the second weight engagement assembly to define a lift surface whereby a hand of an operator can raise or lower the second weight engagement assembly along the elongated weight support assembly.

9. Claims 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by *Polidi* (US Pat. 5,788,616). *Polidi* discloses a stop assembly 74 comprising a frame portion 76 comprising a cross sectional shape defining a sliding fit with an elongated weight support assembly 26. An engagement element 78 is operably attached to the frame portion to define an engaged position with the engagement element biased inwardly from said frame by a bias

element 90 and a disengaged position with the engagement element retracted against the bias of the bias element by a disengagement element 92 operably attached to the frame. A hand positionable grip 82 extends outwardly from the frame whereby a hand of an operator can position the stop assembly along the elongated weight support assembly. An upper end of the frame portion has a surface that can bear a load. The engagement element is a pin 78 attached to the disengagement element. The bias element is a spring 90 operably attached to the pin and the disengagement element. The hand positioning grip comprises a vertically extending portion 88 providing a reaction surface for positioning the disengagement element against the spring bias. The frame portion is of rectangular cross section.

10. Claims 1-15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Becker* (US Pat. 5,108,354). *Becker* discloses a stop assembly 4 comprising a frame portion 3 comprising a cross sectional shape defining a sliding fit with an elongated weight support assembly 1. An engagement element 14 is operably attached to the frame portion to define an engaged position with the engagement element biased inwardly from said frame by a bias element 18 and a disengaged position with the engagement element retracted against the bias of the bias element by a disengagement element 14a or 19 operably attached to the frame. A hand positionable grip 4 or 14a extends outwardly from the frame whereby a hand of an operator can position the stop assembly along the elongated weight support assembly. An upper end of the frame portion has a surface that can bear a load. The engagement element is a pin 14 attached to the disengagement element. The bias element is a spring 18 operably attached to the pin and the disengagement element. The hand positioning grip comprises a

vertically extending portion 88 providing a reaction surface for positioning the disengagement element against the spring bias. The frame portion is of rectangular cross section and includes upper and lower bushings (Fig. 3). The disengagement element is a solenoid 198 attached to the frame portion and operably connected to the engagement element.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dawson, Jr.* (US Pat. 5,273,506) in view of *Polidi* (US Pat. 5,788,616). *Dawson, Jr.* and *Polidi* have been discussed above, and such discussion is incorporated herein. *Dawson, Jr.* discloses the invention as claimed except for the second weight engagement assembly comprising a spring operably attached to the second engagement element for biasing the second engagement element to engage the elongated weight support assembly (claim 2); a disengagement element operably attached to the second engagement element and comprising a first surface engageable by a hand of an operator (claim 3); the spring operably attached to the disengagement element and the second weight engagement assembly comprises a bearing engaging the disengagement element to define an engaged position of the second weight engagement assembly wherein the second engagement element is engaged to the elongated

weight support assembly and a disengaged position of the second weight engagement assembly wherein the second engagement element is disengaged to the elongated weight support assembly when the first surface portions is engaged by the hand of the operator (claim 4); the second weight engagement assembly comprises a hand grip fixed to the second weight engagement and extending outward from the second weight engagement assembly to define a lift surface whereby a hand of an operator can raise or lower the second weight engagement assembly along the elongated weight support assembly (claim 8); and the hand grip extends vertically from the second weight engagement assembly to define a reaction surface for hand engagement of a disengagement element operably attached to the second engagement element (claim 9).

Polidi discloses a self-spotting apparatus for free-weights comprising a weight engagement assembly (Fig. 4) having an engagement element 78 biased by a spring 82 into engagement with an elongated support assembly 26. A disengagement element 92 is operably attached to the engagement element and is fixed to the weight engagement assembly. The disengagement element 92 includes a first surface portion including a surface extending vertically from the weight engagement assembly that is grippable by an operator's hands to raise or lower the weight engagement assembly along the elongated weight support assembly. It is well known in the exercise art that an engagement element be spring biased, in order to provide convenient engagement of the engagement element with an elongated support assembly and to provide a safety factor to ensure positive engagement of an engagement element with the elongated support assembly.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the second engagement assembly of *Dawson, Jr.* with the spring biased weight engagement assembly of *Polidi*, in order to provide convenient engagement of the engagement element with the elongated support assembly and to provide a safety factor to ensure positive engagement of the engagement element with the elongated support assembly.

13. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Becker* (US Pat. 5,108,354) in view of *Dawson, Jr.* (US Pat. 5,273,506). *Becker* and *Dawson, Jr.* have been discussed above, and such discussion is incorporated herein. *Becker* discloses the invention as claimed except for the bushings made of low friction polymer material attached to an inner portion of the frame portion.

Dawson, Jr. discloses the use of high density polyethylene on the inner surface of the frame portions (col. 3, lines 56-65) to provide for smoother sliding action. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bushings of *Becker* of a low friction polymer material, since *Dawson, Jr.* teaches that use of such material provides a smoother sliding action, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

14. Claim 21 is allowed.

15. Claims 7, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not the second weight engagement assembly comprising a solenoid operably connected the second engagement element (claims 7 and 21); or the disengagement element being a U-shaped bar supported by a sliding bearing one each of two sides of the frame portion (claims 16 and 17).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

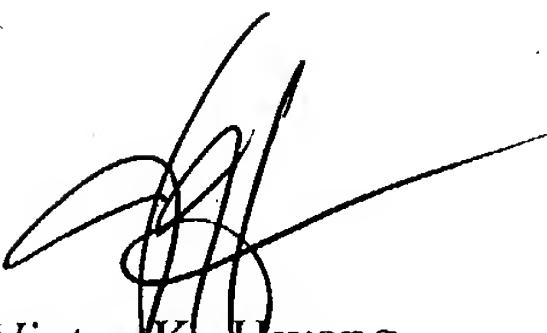
Jackson (US Pat. 3,866,914), *Hole* (US Pat. 4,324,398), *Coleman* (US Pat. 5,407,403), *Hole* (US Pat. 4,561,651), *Lange* (US Pat. 4,750,739), *Santoro* (US Pat. 4,934,693), *Santoro* (US Pat. 4,998,723), *Pearson* (US Pat. 5,050,868), *Banks* (US Pat. 5,184,992), *Okonkwo* (US Pat. 5,468,203), *Liggett et al.* (US Pat. 5,669,859), *Olson et al.* (US Pat. 5,971,897), *Slawinski et al.* (US Pat. 6,379,287 B1) and *Slawinski et al.* (US Pat. 6,537,182 B2) disclose various self-spotting exercise apparatus for free-weights.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (703) 308-2865 until Nov. 4, 2004. After Nov. 4, the new telephone number will be (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (703) 746-4891 until Nov. 4, 2004. After Nov. 4, the new informal fax number will be the same as my telephone number, (571) 272-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on 703-308-2675.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
October 21, 2004



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

10/27/04